



March 18, 2010

Subject: Consultant Pre-qualification for Highway Project Development

As part of our consultant pre-qualification process, the Montana Department of Transportation is accepting statement of qualifications (SOQ) proposals from consulting firms interested in developing highway projects throughout the state. The Department will rate and rank the SOQ proposals according to various highway related design categories. The Department will then use the resulting lists of pre-qualified consulting firms for selection of consultants on future projects or term contracts.

At least three consultants will be considered and evaluated for each project as the individual projects become available. The best-suited firm for the project will then be asked to submit a cost proposal. An agreement will be made with that firm following successful negotiations. The other two firms under consideration will remain as alternates. If an agreement cannot be reached with the first firm, the Department will begin negotiating with one of the alternates.

The pre-qualification process will apply for a two-year period. Consulting firms need only provide SOQ proposals once every two years. Our pre-qualification procedures will allow for consultant performance to be evaluated by the Department more than once in the two-year period and for proposal updates at the midpoint of the period (spring 2011) should a firm's makeup or personnel change significantly during the two-year period. It will also allow for firms not on the roster during the two-year cycle to submit proposals during the midpoint of the period. This will provide for a changing roster during the two-year period.

CATEGORIES OF SERVICE

There are twelve specific categories of service that firms may be placed in. Firms may be placed on pre-qualified lists for any or all of the categories. Firms interested in the "Comprehensive Road Design" category must establish a team of experts capable of dealing with all the listed subcategories required to complete a typical road design project. Teams may be established for other categories as necessary. Consulting services will generally consist of or involve engineering design and analysis resulting in preparation of plans, specifications, and cost estimates for the construction of various highway facilities. Other services such as right of way acquisition, construction administration, and planning may also be required throughout the year.

1) **Comprehensive Roadway Design**

Montana professional engineering license required.

- A) Concept Study:
Areas of service include a cost benefit analysis on all alternatives utilizing surveying and mapping, topography and materials investigation. Design criteria and controls used in developing alternatives must be in accordance with the procedures outlined in the Department Design Manual(s).
- B) Road Design:
The design of any or all phases of a highway must be in accordance with the procedures outlined in the Department's Design Manual(s) and Standard Specifications, as amended, and must conform to Department and AASHTO standards. May include preparation of a plans, specifications, and construction estimate (PS&E) package for construction bid letting.
- C) Traffic Engineering:
Areas of service include delineation, signing, illumination, construction traffic control plan, pavement markings, traffic signals, railroad crossings, and intersections. The design of all traffic control devices must conform to the Manual on Uniform Traffic Control Devices for Streets and Highways, and be performed in accordance with procedures outlined in the Department's Traffic and Road Design Manuals.
- D) Miscellaneous Projects:
This area of service will include small projects or projects with minor complexity. The scope, for example, may include site plan preparations for highway facilities, surfacing rehabilitations, overlays, crack sealing, intersection modifications, slope flattening, etc.
- E) Other Areas of Service:
Obtain airport clearance, Fish, Wildlife, & Parks clearance, Corps of Engineers permit, railroad encroachments and crossings, public hearings, and all other reports and activities as required by the Department's project development procedures.

2) **Bridges & Structures**

Montana professional engineering license required.

- A) Design:
This area of service consists of the comprehensive design of new structures or the rehabilitation of existing structures including steel and concrete superstructures, pile bents, drilled shafts, solid piers and abutments. Structures to be designed in accordance with the current AASHTO Specifications for Highways and Bridges and the procedures

outlined in the Department's Design Manual(s). Services to include all detailing (except shop drawings), the determination of all quantities and plans & specifications, and may include reviewing and checking of submitted shop drawings and design related to construction support.

3) Geotechnical & Materials

Montana professional engineering license required.

- A) **Project Development:**
This area of service includes design and analysis work required to produce all reports as outlined in the Department's Materials Manual. These reports must include geology reconnaissance and/or pavement structure analysis, soils, pavement, structure foundation, and special provisions. Other possible areas of service include plan sheet, special provision, and construction estimate preparation.
- B) **Exploration, Drilling & Sampling:**
This area of service includes on-site supervision during exploration, sampling of earth or rock materials including keeping field records of boring logs, boring locations, etc., and directing all exploration activities. Includes all types of drilling; geophysical exploration; SPT, ring sample, thin wall tube, pitcher, diamond core and bulk sampling; in-situ testing such as cone penetrometer, vane shear; and installation of monitoring instrumentation such as inclinometers, piezometers, etc.
- C) **Analysis:**
This area of service includes analysis of results of exploration, drilling and testing. Make recommendations and prepare reports. Prepare special geotechnical reports based on field information such as landslides and slope design, settlement, embankment, drainage, foundation support, retaining structures, etc.
- D) **Non-destructive Testing:**
This area of service includes performing non-destructive testing of pavements and structures. Tests to perform may include ground penetrating radar, falling weight deflectometer, locked wheel skid test, impact echo, distress surveys, profiling, ultrasound, etc. Provide complete records of testing and compile results and recommendations based on results and experience.
- E) **Material Testing (Laboratory):**
This area of service includes performing various ASTM, AASHTO and Department standard tests on aggregate, concrete, asphalt, soils, metals, etc. Must be AASHTO accredited in area of testing to be performed.

- F) **Pavement Design:**
This area of service includes preparation of materials report; preparation of materials reports on pavement rehabilitation projects; development of alternate surfacing typical sections with an economic analysis for each typical. Design must be based on accepted engineering design guides.

4) **Traffic & Safety Engineering**

Montana professional engineering license required.

- A) **Design:**
This area of service consists of comprehensive design of stand-alone Traffic Engineering projects. This involves all project development activities leading to configuration and layout, scope of work, identification of project impacts (i.e., right-of-way and utility involvement), and plan preparation including quantities and specifications. These stand-alone projects will typically be for signal installation, roadway lighting, and roadway signing. The design must conform to the Manual on Uniform Traffic Control Devices, AASHTO guidelines, and be performed in accordance with the procedures outlined in the Department's Traffic Engineering Manual, Road Design Manual and other manuals.
- B) **Traffic Engineering Studies:**
This category of service consists of traffic engineering studies directed at the areas traffic operations, traffic design, and planning traffic control systems. Operations consist of an assessment of the existing functional character of a traffic control system followed by the determination of improvements to that functional potential based on identified needs. Design studies involve identification of alternatives directed at scope of work, which will define and meet the goals of a planned traffic engineering related construction project. Planning studies consist of facilities evaluation to identify its ability to meet future traffic demands. These studies must recognize state of the art traffic engineering and demonstrate a clear understanding of the traffic engineering issues encountered. All studies must be consistent with practices identified in the Department's Traffic Engineering Manual, AASHTO guidelines, MUTCD, and state of the art as it associates with the Department's policies and practices regarding traffic control hardware.
- C) **Safety Studies:**
This area of service consists of the comprehensive review of traffic crashes, identification of crash trends, development of countermeasures to reduce the number and/or the severity of crashes, benefit/cost evaluations and the design of safety improvements. This work also implies knowledge of the Safety Management System approaches and Intelligent Transportation System applications.

- D) Ad Hoc Safety/Research Studies:
This area of service consists of a comprehensive analysis of safety issues within specific parameters. It may include the evaluation of new products, new construction or maintenance techniques. It may require a large-scale evaluation of crash trends in Montana (i.e., a comprehensive review of crashes involving trucks).

5) **Hydraulics & Hydrology**

Montana professional engineering license required.

- A) General:
This area of service includes analysis and design for hydrology and hydraulics for rural and urban roadway projects. The design and analysis of hydraulic features must be performed in accordance with the procedures outlined in the AASHTO Model Drainage Manual, MDT's Design Manuals and current reference manuals such as the HEC Circulars. Plans and details should be prepared according to the Department's CADD standards and hydraulic analysis should be prepared with software compatible with the Department and FHWA standards.
- B) Analysis & design services may include the following categories:
- a. Bridge Opening Design
Services to include: hydrologic evaluation, water surface profile modeling and calibration, scour analysis and mitigation designs, flood risk assessment, preparation of hydraulic reports and recommendations, field reconnaissance, and obtaining floodplain permits.
 - b. Highway Drainage Design
Services to include: hydrologic evaluation, culvert hydraulics, roadside drainage and permanent erosion control design, culvert service life analysis, channel change design, fish passage analysis, flood risk assessment, preparation of hydraulic reports and recommendations, field reconnaissance, and obtaining floodplain permits.
 - c. Urban Drainage Design
Services to include: urban hydrologic evaluation, spread width evaluation, inlet layout and design, storm drain and outfall design, detention and water quality facility design, development or review of local drainage master plans and storm drain agreements, preparation of hydraulic reports and recommendations, and field reconnaissance.
 - d. Irrigation Design
Services to include: water surface profile modeling and calibration, the design of pipe and siphon crossings, canals, ditches, inlet, outlet, and diversion structures, weirs, and channel linings; coordination with ditch companies, regulatory agencies, and landowners, preparation of hydraulic reports and recommendations, field reconnaissance, and consultation during construction.

- e. Bank Stability and Restoration
Services to include: eroded stream bank restoration designs near roadways and bridge abutments, scour analysis and risk evaluation on existing bridges, development of traditional armoring methods to protect structures and alternative restoration methods to promote vegetation and aquatic habitat, preparation of hydraulic reports and recommendations, field reconnaissance, obtaining necessary permits, and consultation during construction.

6) **Right of Way Appraisal & Acquisition**

Montana certified general appraiser or residential appraiser license required.

- A) General:
The consultant will provide all necessary management to effectively perform the right-of-way activities authorized. This will include, but not be limited to, coordination of consultant field right-of-way personnel with the Department to obtain all necessary approvals, review and approve all documents prior to submittal to the Department, and maintain adequate records and files. All work will be performed in accordance with guidelines and procedures contained in the Department's Right-of-Way Manual and 49 CFR, "Uniform Relocation Assistance and Real Property Acquisition Regulations for Federally-Assisted Programs" as amended.
- B) Appraisal:
This area of service includes property owner contacts, preparation of a Project Report or Sales Catalog, conducting value determinations and appraisals in accordance with federal and Departmental guidelines, and preparation of monthly status reports. In the event of condemnation proceedings, the consultant will provide the Department with the necessary witness for expert testimony at the request of the Department's Legal Services.
- C) Acquisition:
This area of service includes updating all titles and providing necessary documents to show ownership of property to be acquired, obtaining adequate interest in property, clearing of all encumbrances, preparation of deeds, easements, and exhibits; preparation of timely and adequate written records, providing recommendations for settlements, direct negotiations with property owners and/or their attorneys, and preparation of condemnation documents, including providing the Department with the necessary witnesses for expert testimony at the request of the Department's Legal Services. The consultant will be responsible for obtaining advice from their attorney on all legal matters.

7) **Environmental Resource Studies and Design**

Montana professional engineering license required for design work.

A) Evaluation & Studies:

This area of service requires the consultant to perform project environmental evaluations and conduct studies to identify project impacts. This may include preparation of biological resources reports, threatened and endangered species biological assessments, wetland findings reports, re-delineations, identification of probable compensatory mitigation needs, aquatic resource monitoring, and identification of any other environmental impacts as appropriate.

B) Design:

The consultant may be asked to identify potential mitigation sites inside and outside the highway right-of-way suitable for required project wetland mitigation. This may include feasibility study reports evaluating hydrology, topography, soils, ownership and any other design elements necessary to prepare conceptual, preliminary or final wetland design plans. The consultant may also be asked to provide stream restoration and rehabilitation design services. The Department may require a PS&E package to be prepared for a specific project for a construction contract. The PS&E bid package must be 100 percent compatible with the Department's methods, procedures and requirements.

8) **Environmental Engineering**

Montana professional engineering license required.

A) Environmental Documents, Permits, & Preliminary Design:

This area of service requires the consultant to research, coordinate and prepare environmental documents in compliance with the National Environmental Policy Act (NEPA) and with the Montana Environmental Policy Act (MEPA), and in following the US DOT FHWA Technical Advisory. The consultant may also prepare, coordinate and obtain various environmental permits such as Section 404 Clean Water Act permit approvals, Montana Stream Protection Act 124 authorizations, and State and Tribal water quality permits. The consultant may also prepare preliminary designs for submittal to regulatory agencies for early comment. The consultant will assist the Department in or develop the project's public involvement process. As requested, the consultant will coordinate with Federal, State, Local, or Tribal agencies.

9) **Environmental Public Water Supplies and Wastewater Treatment Systems**

Montana professional engineering license required.

- A). Design:
This area of service includes designing public water supply and wastewater treatment systems at Department rest areas, waysides, and facilities. The design may include well installation (depth, screened interval, pump size), water distribution, and wastewater treatment. The wastewater at rest areas is considered a high-strength source and may require additional evaluation and treatment. The consultant must be familiar with DEQ's design requirements and review/approval process. The consultant may also be required to provide engineering support for Operation and Maintenance (O&M) of existing public water supply and wastewater treatment systems; troubleshoot water supply contamination issues; design collection and distribution systems at groundwater springs; and prepare source water delineation and assessment reports for public water supplies.

10) **Land Survey**

Montana professional land surveyor license required.

- (A) Surveys - General:
Various types of surveys will be required to furnish data necessary for design of highways, bridges, buildings, drainage/irrigation facilities, etc. Surveys in this category may include: geodetic control, project control, photo control, cadastral/land/property, retracement, engineering, hydraulic/hydrographic, topographic, quality control (e.g. verification of aerial and/or DTM mapping, etc.), and construction.
- (B) Surveys - Global Positioning System (GPS):
At times the MDT may specifically request completion of survey work using GPS survey methods and equipment. Use of GPS survey methods and equipment may be requested for: geodetic control, project control, photo control, cadastral/land/property, retracement, engineering, hydraulic/hydrographic, topographic, quality control (e.g. aerial map verification etc.), and construction. Electronic deliverables must be 100 percent compatible with the Department's equipment.

11) **Planning**

- (A) General:
This area of service will include development of urban transportation plans, development of pre-NEPA corridor plans and studies, providing general transportation and rail planning assistance, and data collection related to infrastructure and geometrics and for traffic volumes, weights and classification.

12) **Community Transportation Enhancement Program (CTEP)**

Montana professional engineering license required.

- (A) **Project Design and/or Construction Management:**
This area of service consists of working under contract with local and tribal governments in the design of any or all phases of transportation enhancement projects as outlined in the Department's Community Transportation Enhancement Program (CTEP) Manual. The consultant will typically provide services to include surveys, investigations, studies, tests, and calculations necessary for preparation of plans, specifications, and construction estimate (PS&E package) for construction bid letting. The consultant may be required to assisting the local or tribal government with bid letting, bid evaluation, and award recommendation. The consultant may also be required to provide construction management, including construction inspection, quality assurance/materials testing, and contractor payment review and recommendations.
- (B) **Other Areas of Service:**
Working under contract with the local and tribal governments, develop environmental documents in compliance with National Environmental Policy Act (NEPA); obtain required local, state, and federal permits related to the project; assist with Right-of-Way and Utility clearance and certification, all in accordance with the Department's CTEP Manual and related MDT Manuals and Guidelines.

SCHEDULE

The projects will be developed on specific schedules. Each individual schedule will be negotiated prior to developing the contract agreement for services.

PROPOSAL SUBMITTAL

For the "Comprehensive Road Design" category, seven (7) copies of the SOQ proposals are required. For the "Land Survey" category, submit two (2) copies of the SOQ proposals plus one copy for **each** of the Department's five Districts in which you are interested in doing work (3 minimum; 7 maximum). The Department's five Districts can be viewed at <http://www.mdt.mt.gov/mdt/organization/districts.shtml>. For all other categories of service, submit three (3) copies of the SOQ proposals for **each** category. The correct number of proposals must be submitted in order for your firm to be considered. All proposals must be submitted in hard copy format; electronic proposals will not be considered.

Clearly label each SOQ proposal with the proper categories and subcategories of service. For the Land Survey SOQ proposals, also label the District. For example, if your firm only wishes to be considered for GPS survey in the Butte District, your proposals must be clearly marked "Land Survey, Butte District, Subcategory B". Also as an example, if

your firm wishes to be considered for all aspects of right of way appraisal and acquisition, your proposals must be clearly marked "Right of Way Appraisal & Acquisition, Subcategories A, B, and C. This is important. If you do not do this, your proposal may not be evaluated properly for the areas of service you wish to be considered.

The Department must receive the SOQ proposals no later than 5:00 PM, April 23, 2010.

Send the proposals to:

Tim J. Conway, P.E.
Consultant Design Engineer
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

Once submitted, proposals become the property of the Department. The Department views the information contained in the proposals as partially proprietary in nature and will strive to keep the information confidential, but cannot make any such guarantees.

PROPOSAL CONTENTS

Keep proposals short and concise. Avoid large copies and binders. The proposal must contain the information listed in this section. ***Please organize your proposal in the same order and numbering format as shown below, which will assist MDT in reviewing your proposal.***

1) Quality of Firm and Personnel

A) Related experience on similar projects.

Provide a discussion of your firm's previous related project experience as it relates to the scope of services detailed in this RFP.

Three Pages - Maximum

B) Qualifications, experience and training of personnel to be assigned to projects.

Discuss the qualifications, experience, and training of the professional staff that will be utilized. Include an organization chart that indicates the project staff, their area of expertise, registration, and office location(s).

Four Pages - Maximum

Include brief resumes that describe the education, training, experience, and qualifications of the personnel listed above (***Place in Appendix A***).

2) Capacity and Capability of Firm

A) Ability to meet technical requirements and applications.

Briefly describe the services your firm will provide MDT including professional expertise and technical capabilities that your firm possesses. Discuss any subcontractors and support services that you anticipate utilizing and describe their expertise.

Three Pages - Maximum

B) Compatibility of systems, equipment, i.e., CADD and word processing, etc.

Provide a brief discussion on the computer systems and software that your firm utilizes (i.e. Word, Excel, Microstation, ArcView, etc.). Describe any additional support equipment you intend to use.

One Page - Maximum

C) Capability of firm to meet project time requirements.

Briefly describe your ability to meet project schedules based on available staff and projected workload during the next two years.

One Page - Maximum

D) Capability to respond to project and MDT requirements.

Describe your firm's approach in preparing work plans/cost estimates, reports and implementing work and managing projects. Briefly discuss your firm's ability to respond to fast-tracked or emergency projects. Describe your firm's ability to work on projects in various parts of the state (i.e. staffing availability, office locations, etc.)

One Page - Maximum

- 3) List as references all of the firm's clients from the past three (3) years for projects that deal with work similar to the proposed work. Include client name, a currently employed contact person, and a valid phone number. Give range of contract value. (Do not include Federal Standard Form (SF) 330)

Place in Appendix B AND include 1 unbound copy

INDIRECT COST RATE REQUIREMENTS

Proof of the firm's Indirect Cost Rate (overhead rate) is ***not required*** with this proposal submittal. However, an Indirect Cost Rate audited in accordance with 23 CFR §172.7(b) for the cost principles of 48 CFR Part 31 by a cognizant government agency or independent CPA firm will be required prior to executing a contract unless one of the following situations applies:

1. Sub-consultants with a cumulative contract value of less than \$100,000, measured on a per contract basis.
2. Prime consultants providing non-ESA (engineering, surveying or architectural) services with a cumulative contract value of less than \$100,000, measured on a per contract basis. Engineering, surveying or architectural services are defined in Montana Code Annotated, Title 18, Chapter 8.

If a firm has a current audited indirect cost rate report developed in accordance with 23 CFR §172.7(b) for the cost principles of 48 CFR Part 31, the report must be submitted by the Consultant prior to executing a contract regardless of whether the above situations are applicable.

If a firm does not have a current audited indirect cost rate report and either of the above situations is applicable, the Consultant must provide an unaudited indirect cost rate calculation developed in accordance with 23 CFR §172.7(b) for the cost principles of 48 CFR Part 31.

The Indirect Cost Rate and audit (when applicable) must be based on the firm's latest completed fiscal year's costs. A six-month grace period for obtaining the Indirect Cost Rate and audit (when applicable) is generally allowed following the close of a firm's fiscal year. For example, if the firm's fiscal year ended on June 30, 2009, an Indirect Cost Rate and audit (when applicable) based on that fiscal year would be required now (actually by December 31, 2009) since the grace period has passed. However, if the firm's fiscal year follows the calendar year, an Indirect Cost Rate and audit (when applicable) based on fiscal year 2008 (which ended December 31, 2008) would still be acceptable until July 1, 2010. An Indirect Cost Rate and audit (when applicable) based on fiscal year 2009 would be preferred at this time.

An Indirect Cost Rate and audit (when applicable) will be required for any subconsultants prior to executing a contract. An Indirect Cost Rate and audit (when applicable) is not required for subconsultant professional services that are commodity-type services using unit prices or fee schedules such as laboratory testing and drilling subcontracts, or services commonly provided on a per unit basis such as right-of-way appraisal and acquisition services. Usually, those services are a minor part of anticipated work.

Do not show any actual numerical financial information such as the overhead rate or personnel rates within your proposal. Specific cost information of the firm or team should not be part of the proposal.

PROPOSAL EVALUATION

All proposals will be evaluated in accordance with the following factors:

- 1) Location:..... **5 pts**
 - A) This criterion will be applied at the time of final selection for specific projects, not during the rating of this proposal. The score will be based on the proximity of the firm's office to project site. Projects will be located throughout the state.
- 2) Quality of Firm and Personnel:**30 pts**
 - A) Related experience on similar projects.
 - B) Qualifications, experience and training of personnel to be assigned to projects.
- 3) Capacity and Capability of Firm: **35 pts**
 - A) Ability to meet technical requirements and applications.
 - B) Compatibility of systems, equipment, i.e., CADD and word processing, etc.
 - C) Capability of firm to meet project time requirements.
 - D) Capability to respond to project and MDT requirements.
- 4) Record of Past Performance and Reference checks: **30 pts**
 - A) Previous record with the Department, quality of work, on-schedule performance and cooperation with the Consultant Design Engineer and other Department staff.

- B) No previous record with the Department will require reference checks.

Following the review, rating, and evaluation of all proposals, a roster of the individual firms will be developed in the order of their relative scores. The Consultant Selection Board will select firms from this roster for future projects on an as-needed basis. Contract agreements will be made with the selected firms subsequent to successful cost negotiations. The rosters will be made available for viewing to all those present at Consultant Selection Board meetings, including certain public officials with interests in projects on the agenda.

The Consultant Selection Board may also use the pre-qualification rosters for selection of consultants for term contracts in specific disciplines or categories. For example, a consultant may be selected to provide survey services in one District for a two-year term and a specified cost ceiling. Individual survey term assignments would then be assigned on an as-needed basis.

FUTURE AGREEMENT REQUIREMENTS

The contract agreements will generally be administered on a cost plus fixed fee basis. The contracts will have negotiated cost ceilings. If a consulting firm is selected for a specific project and a contract agreement is successfully negotiated, certain financial information will be required as part of the contract agreement. As described in the Indirect Cost Rate Requirements section above, all Consultants and subconsultants must provide the Department with an Indirect Cost Rate audited (when applicable) in accordance with 23 CFR §172.7(b) for the cost principles of 48 CFR Part 31 and based on the firm's latest completed fiscal year's costs. Personnel rates, profit, and direct expenses must be clearly outlined and provided to the Department.

Do not submit actual numerical financial information within your proposal.

OTHER REQUIREMENTS

Other design requirements of the Department can be found in the "MDT Road Design Project Development Guidelines". The referenced guidelines are available on the Department's web page at:

http://www.mdt.mt.gov/publications/docs/manuals/mdtguide_reqrdplans.pdf.

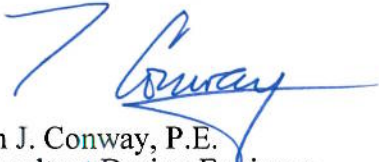
DBE/WBE GOALS

DBE goals may be set for individual projects and will be identified prior to reaching a contract agreement. Consulting firms are strongly recommended to utilize DBE firms. A Montana certified DBE list is available and can be found on the MDT web page, <http://www.mdt.mt.gov/business/contracting/civil/dbe.shtml>.

NONDISCRIMINATION COMPLIANCE

Consultants will be subject to Federal and Montana nondiscrimination laws and regulations (see attached notice).

If you have any questions, please contact me at (406) 444-7292 or (406) 444-7696 TDD, or by email at tconway@mt.gov.



Tim J. Conway, P.E.
Consultant Design Engineer

TJC:PREQUAL_ROSTER_2010.DOCX

Attachment

copies: Tim Conway, P.E. – MDT Consultant Design Engineer
Jay Skoog – ACEC Executive Director
Consultant Design Bureau File

e-copies:

Sheila Cozzie – MDT Civil Rights Bureau Chief
Lynn Zanto – MDT Rail, Transit & Planning Division Administrator
Dwane Kailey, P.E. – MDT Chief Engineer
Jim Walther, P.E. – MDT Preconstruction Engineer
Doug Moeller – MDT Missoula District Administrator
Jeff Ebert, P.E. – MDT Butte District Administrator
Mick Johnson – MDT Great Falls District Administrator
Ray Mengel – MDT Glendive District Administrator
Stefan Streeter, P.E. – MDT Billings District Administrator
Kevin Christensen, P.E. – MDT Construction Engineer
Tom Martin, P.E. – MDT Environmental Services Bureau Chief
Greg Hahn – MDT Right of Way Bureau
Kent Barnes, P.E. – MDT Bridge Engineer
Duane Williams, P.E. – MDT Traffic & Safety Engineer
Paul Ferry, P.E. – MDT Highways Engineer
Mark Goodman, P.E. – MDT Hydraulics Engineer
Rich Jackson, P.E. – MDT Geotechnical Engineer
Bryce Larsen – MDT Photogrammetry & Survey Section Supervisor
Mike Wherley, P.E. – MDT CTEP Engineer
Vickie Murphy, CPA, CFE – MDT Internal Audit Unit Manager
Roy Peterson, P.E. – MDT Consultant Plans Engineer

NON-DISCRIMINATION NOTICE

During the performance of this Agreement, the Consultant (hereafter in this Section "the Party"), for itself, its assignees and successors in interest, agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
 - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
 - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of

materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.